

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD  
Kensington Park Hotel  
450 Post Street  
"Sherwood Room"  
San Francisco, CA  
April 15, 2004  
AUDIOLOGY PRACTICE COMMITTEE  
MEETING MINUTES**

**Committee Members Present**

Rebecca Bingea, M.A., Chairperson  
Marcia Raggio, Ph.D.  
Alison Grimes, AuD

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Candace Raney, Staff Analyst  
Lori Pinson, Staff Analyst  
Bob Miller, Legal Counsel

**Board Members Present**

James Till, Ph.D.  
Bruce Gerratt, Ph.D.

**Board Members Absent**

Sherry Washington, M.A.  
Vivian Shannon, M.A.  
Paul Donald, M.D.

**Guests Present**

Jim Cannon, SLP Counseling Pacific Medical Center  
Dennis Van Vliet, AU  
Hannah Alexander, AU Vertigo Diagnostics  
Jan Speirs, SLP Scripps Hospital  
Robert Powell, California Speech-Language-  
Hearing Association  
Ed Dunlay, The Chattanooga Group

**I. Call to Order**

Chairperson Bingea called the meeting to order at 3:23 p.m.

**II. Introductions**

Those in attendance introduced themselves.

**III. Discussion of Audiology Support Personnel; Roles, Responsibilities, & Supervision**

Ms. Del Mugnaio stated that the issue surrounding the appropriate supervision and duties of audiology support personnel stemmed from the concerns raised at the January 2004 Board meeting where the Board entertained an in-depth discussion of unlicensed support personnel conducting vestibular function studies. The Board determined that, according to the Speech-Language Pathologists and Audiologists Practice Act, individuals conducting

vestibular function studies must either be licensed audiologists or registered audiology aides who provide services under the direct supervision of a licensed audiologist. It was also noted that the Medical Practices Act provides the authority for a physician to supervise a support person to conduct the study. The discussion prompted the Board to research how the profession utilizes audiology support personnel in terms of common employment settings, supervision parameters, and job function. Further, Mr. Ritter, Senior Staff Counsel, had provided a legal analysis of the supervision requirements of audiology aides.

Ms. Del Mugnaio stated that the question before the Board is whether or not the existing laws and regulations should be amended or expanded to create an audiology assistant with varying levels of supervision and a defined scope of responsibility.

Ms. Grimes stated that she is supportive of creating such a category, however, it would not be specific or in response to the vestibular function study issue.

Ms. Bingea agreed with the concept of the new audiology assistant category.

Ms. Del Mugnaio stated that the involvement of the professional or Mr. Gerratt inquired whether an otolaryngologist can supervise employees to conduct vestibular function studies.

Mr. Miller stated that the Medical Practices Act has provisions for medical assistants, however, the physician has broad discretion to assign tasks to medical assistants based on his or her opinion that the assistant is qualified to perform the assigned task.

Ms. Del Mugnaio added that Medicare has experienced an over-utilization in vestibular function studies and, as such, decided to amend its provider guidelines to require that only physicians or audiologists conduct the vestibular function study.

Ms. Del Mugnaio stated that the Speech-Language Pathologists and Audiologists Practice Act does not provide for varying levels of supervision for the audiology aide, primarily because the aide category, unlike that of the speech-language pathology assistant, does not have specific education and training requirements. She referred to Mr. Ritter's legal opinion that defines "direct supervision" of an aide as a supervisor being physically present and able to oversee the services provided by the aide. She stated that there is one exception to the aide supervision requirement, and that applies to the permissible indirect supervision of an industrial audiology aide conducting puretone air conduction threshold audiograms. Organizations and the educational institutions would be significant in the movement to create an audiology assistant category. She explained that the profession should be prepared to demonstrate both public demand and work force support for the new paraprofessional.

The Committee discussed the different tasks that are commonly assigned to the existing audiology aide personnel and how the proposed assistant tasks would differ.

Mr. Till stated that in listening to the discussions on the issue, he does not find there to be a consumer access problem.

Ms. Del Mugnaio stated that the National Council of State Boards in Speech-Language Pathology and Audiology is holding a conference in October 2004 in Santa Fe, New Mexico where one of the main agenda topics will be defining audiology support personnel. She stated she is planning to attend, provided the Board's out-of-state travel budget is approved.

Ms. Del Mugnaio stated that the issue of audiology support personnel is addressed in the Board's sunset review report. She asked whether immediate action was necessary possibly in the form of an educational publication explaining the existing requirements for utilizing audiology aides.

Ms. Grimes presented a scenario of utilizing "test assistants" and inquired whether these individuals should be registered as audiology aides.

Mr. Miller commented that the issue of regulating support personnel is a difficult task and stated that several other allied health professions have come up against great controversy in attempting to specifically define support personnel tasks. Some professions are considering adopting the Medical Board model where the physician has broad authority to use their professional judgment to decide what duties should be appropriately assigned their medical assistants.

Ms. Grimes asked whether other states regulate audiology assistants.

Ms. Del Mugnaio stated that 18 states regulate some form of audiology support personnel.

Ms. Grimes asked whether the Board receives consumer complaints regarding access to audiologists.

Ms. Del Mugnaio stated that the Board has not received such complaints.

Mr. Powell stated that the California Speech-Language-Hearing Association has not received consumer complaints about limited access to audiology services but has received calls from audiologists regarding the Medicare restrictions for reimbursement on vestibular function studies.

Ms. Raggio inquired whether there is a potential risk to the consumer if the Board does not amend its current aide regulations or create a more defined paraprofessional category.

Ms. Del Mugnaio explained that she is not aware of consumer complaints regarding substandard care provided by an audiology aide.

Mr. Miller added that the new Schwarzenegger Administration is focused on avoiding over-regulation and, therefore, if the Board could not demonstrate an access issue or prospects of consumer harm, the movement to create new requirements would be difficult.

Ms. Grimes requested that Ms. Del Mugnaio post an inquiry on the National Council of State Boards listserve regarding how other states are regulating audiology support personnel.

M/S/C: Grimes/Raggio

The Committee voted to recommend to the full Board to adopt the legal opinion written by Mr. Ritter regarding the supervision requirements of audiology aides.

The Committee agreed that the Board should continue to research the concept of an audiology assistant and continue to gather information from forums such as the National Council of State Boards and comments received during the sunset review process.

Ms. Hannah Alexander addressed the Board and stated that she is of the opinion that technicians who are appropriately trained should be authorized to perform vestibular function studies. She further stated that in order to fulfill the needs of referring physicians, audiologists should focus on the more technical services of the profession and delegate the more routine functions to an audiology assistant. She encouraged the Board to pursue establishing the audiology assistant category and suggested that Orange County may be interested in developing an educational program for the audiology assistant.

#### **IV. Legislation**

##### **A. SB 1158– Hearing Aid Coverage**

Ms. Del Mugnaio stated that SB 1158 is a measure similar to that of the former SB 174 that was unsuccessful during the 2003 legislative cycle. She explained that like SB 174, SB 1158 would require health care service plans and health insurers to provide hearing aid coverage up to \$1,000 to all enrollees under 18 years of age. She stated that as the Board has supported the prior attempts to legislate for mandatory hearing aid coverage, she would be able to amend an existing support letter to reflect the proposed amendments in SB 1158.

Ms. Grimes stated that it seems counterintuitive to have a state mandate for infant hearing screening and early hearing intervention yet not provide some financial support for the necessary hearing devices.

M/S/C: Grimes/Raggio

The Committee voted to recommend to the full Board to support SB 1158 and to forward the appropriate support letters.

## **B. AB 2426 – Workers’ Compensation (Audiologists)**

Ms. Del Mugnaio explained that this bill was sponsored by the California Academy of Audiology which is represented by the Sacramento Advocates Office, and proposes to amend the Labor Code to include a doctor of audiology as a qualified medical evaluator for the purposes of assessing workers’ compensation claims.

The Committee discussed the existing language of the bill and concluded that the provisions are unclear and incomplete, as the standards for doctoral education in audiology have not been defined or adopted by the Board.

Ms. Del Mugnaio stated that she believes the bill was introduced conceptually in the event that the Board was able to adopt a definition for the doctorate level educational standards. She stated that the bill is assigned to the Assembly Insurance Committee, however, a hearing date has not been set.

The Committee requested that Ms. Del Mugnaio track the bill and follow-up with the Sacramento Advocates Office on the initiative.

## **C. AB 2354 – Health Care Discount Programs**

Ms. Del Mugnaio stated that Ms. Grimes notified her of the bill and explained that the bill defines a health discount program as a program that is not health care insurance but a program where consumers are responsible for full payment of any medical fees incurred.

Ms. Grimes interjected and stated that the bill was amended as of April 13, 2004, and now prohibits the selling, operation, or marketing of any health care discount programs in the state.

Mr. Powell stated that there was a recent article in the San Francisco Chronicle regarding health care discount plans and the need for consumer protection and/or education as to how the plans operate.

Ms. Grimes recused herself from voting on the bill as she is a consultant for National Ear Care Plan. She did state that she supports the initiative.

Mr. Miller stated that he reviewed the language in AB 2354 as provided in the Board packets and stated that much more legal research is necessary in terms of the relationship between the initial language in AB 2354 and the existing provisions of Business and Professions Code Section 650. He stated that he was concerned that the previous version of the bill may have been in conflict with existing referral prohibitions.

Mr. Miller stated that the amended version of the bill appears to be in concert with Section 650.

Mr. Van Vliet inquired about existing health care plans that do provide health coverage but also provide a discount for non-covered services and whether these plans would be prohibited under the provisions of AB 2354.

Mr. Miller stated that it appears that any discount plans that do not provide health insurance would be prohibited.

The Committee discussed that a discount health care plan can provide value to the public, however, the manner within which some discount plans represent their benefits to the public may be intentionally misleading.

Ms. Del Mugnaio stated that a policy hearing was not yet scheduled for AB 2354.

The Committee voted to recommend to the full Board that the Board support AB 2354 as amended on April 13, 2004, provided that the amendments support the spirit and intent of Business and Professions Code 650.

Mr. Powell stated that he believed the bill would be extremely controversial.

#### **D. Other Legislation of Interest to the Committee**

The Committee did not discuss any other legislative initiatives.

#### **X. Discussion of American Board of Audiology Certification Standards and Licensure Equivalence**

Ms. Del Mugnaio explained that Ms. Raggio was copied on a letter addressed to the Board from the American Board of Audiology (ABA), wherein the ABA is requesting that the Board amend its statutes to acknowledge the ABA certification standards as equivalent to licensure standards. A similar provision to that is currently in statute establishing the equivalency of the Certificate of Clinical Competence issued by the American Speech-Language-Hearing Association. Ms. Del Mugnaio noted that the letter was not received in the Board office.

Ms. Del Mugnaio stated that it would not be appropriate for the Board to pursue amending its statutes to acknowledge the certification standards of a professional organization. She further explained that the Board was not responsible for initiating the existing provisions that reflect the equivalency of the Certificate of Clinical Competence to licensing standards. She stated that it is the responsibility of the professional associations to carry such a movement and that the Board would become involved if the proposed changes in some way minimized the licensing standards in the state.

Ms. Grimes indicated that in 2000 she approached the California-Speech-Language-Hearing Association (CSHA) and requested that CSHA carry a legislative initiative to acknowledge the equivalence of the ABA certification standards. She stated that neither CSHA nor the California Academy of Audiology (CAA) were responsive to the request. She stated that she does not believe it is the Board's role or responsibility to carry such a movement. However, she did state that acknowledging equivalency of the ABA standards

to licensure standards may streamline the licensing application process in that reviewing transcripts from an applicant holding an ABA certificate would be unnecessary.

M/S/C: Raggio/Grimes

The Committee voted to recommend to the Board to develop a response to the American Board of Audiology's request for Board action at such time that a formal letter from the ABA is received at the Board office.

There being no further discussion, Chairperson Bingea adjourned the meeting at 4:55 p.m.

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Annemarie Del Mugnaio, Executive Officer